IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 54 OF 2007

SHRI. DNYANESHWAR PANDURANG NAGVEKAR AND ANR ... Petitioners

Versus

SMT. JYOTI PRAKASH NAGVEKAR AND ANR ... Respondents

Mr. Dajvip V. Patkar, for the Petitioners.

Mr. Valmiki Menezes For Resp

Coram:- S.A.BOBDE, J.

Date:- 3rd May, 2007

ORAL JUDGMENT:

Rule. Rule returnable forthwith. Heard by consent.

2. Since the entire controversy in the Writ Petition arises due to the fact that the learned trial Court has directed the maintenance of status quo in respect of the suit property without passing any specific order regarding grant or refusal of injunction for restraining the defendants from carrying on business in the suit premises, I am of view that the interim Order dated 18.11.06 granting police protection be hereby set aside.

3. Having regard to the circumstances of the case, before passing any fresh order on the plaintiffs application for police protection, the trial Court is directed to record a specific finding whether the petitioners were carrying on any business in the suit land prior to the order of status quo dated 4.11.06. The trial Court is directed to decide any such application, if made by the respondents, within a period of one month.

Rule discharged. Petition stands disposed of.

S.A.BOBDE, J.

sl.